

A RESOLUTION

02-*R*-2055

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$5,741.20 IN SETTLEMENT OF THE CLAIM  
OF SIDNEY WELCH AGAINST THE CITY OF ATLANTA**

**WHEREAS**, Sidney Welch has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sewer back ups into her property located at 1798 Flagler Avenue, NE; and

**WHEREAS**, property owned by Sidney Welch has been damaged due to several sewer back ups occurring on April 9 & 10, 2001, March 30, 2002, May 4, 2002 and September 21 & 22, 2002. The City has had knowledge of a problem with the sewer line since the occurrences on April 9 & 10, 2001; and

**WHEREAS**, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

**WHEREAS**, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, the claimant has asserted damages in the amount of \$6,870.00 but has agreed to accept the sum of \$5,471.20 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of Sidney Welch be settled for the sum of \$5,471.20.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$5,471.20 be paid by the City of Atlanta in satisfaction of any and all claims Sidney Welch owner of property located at 1798 Flagler Avenue, NE may have stemming from damages sustained to her property on April 9 & 10, 2001, March 30, 2002, May 4, 2002 and September 21 & 22, 2002.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

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